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C O R R E C T E D C O P Y (SENSITIVE CAPTION ADDED)

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KCOR](#) [KPAO](#) [AJ](#)

SUBJECT: RESPONSE TO REQUEST FOR PRESS GUIDANCE ON THE
VERDICT IN THE FARHAD ALIYEV CASE

REF: A) BAKU 1275 B)STATE 65602

11. (U) 1. The Department has reviewed Post's suggested Press guidance (ref a), and provides the following approved guidance if Post is asked for comment on the verdict in the Farhad Aliyev trial.

12. (SBU) As the trial of former Minister of Economic Development Farhad Aliyev wraps up (ref a), the need for press guidance on his case has resurfaced. The Prosecutor has asked that Aliyev be sentenced to 11 years in prison on charges of misappropriation, embezzlement, illegal entrepreneurship, smuggling, tax evasion, abuse of power, accepting bribery, and forgery. A verdict is expected imminently. Due to the high level of international attention on this case, we expect the verdict to draw questions from the press, both in Baku and in Washington.

Question: Do you have any reaction to the verdict in the trial of former Azerbaijani Economic Development Minister Farhad Aliyev?

Answer: We are currently studying the verdict and awaiting, with interest, OSCE's evaluation of the trial. We remain concerned, however, about the adequacy of due process in this case and respect for human rights during Mr. Aliyev's period of detention. Corruption is a cancer on society, a major impediment to the rule of law and Azerbaijan's democratic development. ALL officials suspected of corruption should be held accountable through a fair, independent and transparent judicial process - a process that protects the rights of defendants while ensuring that justice is done, free of political motivation.

If Pressed:

Question: Was the case against Farhad Aliyev politically motivated? Is Farhad Aliyev a political prisoner?

Answer: We note the concerns of human rights activists and others that this arrest and prosecution may have been, in part, politically motivated. The law enforcement and judicial systems should not be used as political tools. As we have said, ALL officials suspected of corruption should be held accountable through a fair, independent and transparent judicial process - a process that protects the rights of defendants while ensuring that justice is done, free of political motivation.

14. (SBU) Press Guidance Background Note:

Farhad Aliyev was among the most prominent GOAJ officials arrested in October 2005 on charges of plotting a coup and

charges of official corruption shortly before the November 6, 2005 nationwide parliamentary elections. Most commentators believed the coup plot charges were spurious but agreed that Aliyev could be legitimately prosecuted for corruption, while noting the systematic nature of corruption in Azerbaijan.

The Embassy repeatedly urged the GOAJ to respect Aliyev's and all detainees' right to due process and a fair trial consistent with Azerbaijan's international commitments. Aliyev's lawyers have long complained about the adequacy of Aliyev's health care in pretrial detention and the GOAJ's refusal to allow his family access to him in the detention facility. There has been no evidence to suggest that Aliyev was subject to any physical abuse while awaiting trial, and some observers believe the GOAJ has provided adequate and regular access to medical care for the defendant.

Aliyev's trial began on May 15 and ended on (insert date). While Embassy officers were eventually allowed to monitor trial proceedings, with the exception of the OSCE's trial monitoring project staff members, all other international observers were refused courtroom access. In addition, independent and opposition journalists and some of Aliyev's family members were not permitted access to many of the early trial sessions. Aliyev's lawyers have noted concerns about numerous due process violations during the pre-trial period and trial proceedings. Aliyev was convicted on a range of charges related to public corruption and sentenced to (insert length of sentence).
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